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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JAMES V. CAICO,

No. CIV-S-02-1608 MCE/GGH P

12 Plaintiff,

13 v.

ORDER

14 D.L. RUNNELS, ET AL.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, has filed
18 this civil rights action seeking relief under 42 U.S.C. § 1983.
19 The matter was referred to a United States Magistrate Judge
20 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No.
21 262.

22 On February 15, 2005, the magistrate judge filed findings
23 and recommendations herein which were served on all parties and
24 which contained notice to all parties that any objections to the
25 findings and recommendations were to be filed within twenty days.

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1 The magistrate judge recommended that defendants' December 13,
2 2004, motion to dismiss be granted. Plaintiff did not oppose
3 this motion. On March 7, 2005, plaintiff filed a request for a
4 thirty day extension of time to file his objections. The grounds
5 for this request are that plaintiff has a brief due in the Ninth
6 Circuit which he is working on.

7 Plaintiff has filed and been granted numerous extensions of
8 time in this action. On August 26, 2002, the court granted
9 plaintiff thirty days to file a complaint. On October 7, 2002,
10 the court granted plaintiff's September 26, 2002, request for
11 extension of time to file the complaint. On March 18, 2003, the
12 court dismissed the complaint with leave to amend. On April 29,
13 2003, the court granted plaintiff's April 22, 2003, request for
14 extension of time to file the amended complaint. On June 10,
15 2003, the court granted plaintiff's May 30, 2003, second request
16 for extension of time to file the amended complaint.

17 On March 5, 2004, the court granted plaintiff's March 1,
18 2004, request for extension of time to oppose defendants' motion
19 to dismiss for failure to exhaust administrative remedies. When
20 plaintiff failed to file his opposition, on May 7, 2004, the
21 court recommended that defendants' motion be granted. On May 7,
22 2004, plaintiff filed a request for extension of time to oppose
23 defendants' motion to dismiss. On May 14, 2004, the court
24 vacated the May 2004, findings and recommendations and ordered
25 plaintiff's opposition due within thirty days.

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1 When plaintiff again failed to file an opposition, on June 30,
2 2004, the court again recommended that defendants' motion be
3 granted. On July 29, 2004, plaintiff filed objections to the
4 findings and recommendations. On August 5, 2004, the court
5 vacated the June 30, 2004, findings and recommendations and
6 granted plaintiff one final opportunity to file an opposition to
7 defendants' motion.

8 As outlined above, the resolution of this action has been
9 delayed numerous times as a result of plaintiff's inability to
10 timely comply with orders. In light of this history, the court
11 is unwilling to again delay this action on the grounds set forth
12 in plaintiff's pending request for extension of time. That
13 plaintiff has a brief due in the Ninth Circuit is not good cause
14 on which to grant his request for extension of time.

15 In accordance with the provisions of 28 U.S.C.
16 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
17 de novo review of this case. Having carefully reviewed the
18 entire file, the court finds the findings and recommendations to
19 be supported by the record and by proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's March 7, 2005, request for an extension of
3 time to file objections is denied;

4 2. The findings and recommendations filed February 15,
5 2005, are adopted in full; and

6 3. The December 13, 2004, motion to dismiss filed by
7 defendants Mericle and King is granted.

8 DATED: November 30, 2005

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE